

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

RANDALL ARTIS,

Petitioner,

v.

FEDERAL BUREAU OF PRISONS,

Respondent.

ORDER

3:08-cv-75-bbc

Originally, petitioner Randall Artis was a petitioner in a group complaint assigned to the Hon. John C. Shabaz, Afretto v. Federal Bureau of Prisons, 3:07-cv-630-jcs. In an order dated January 23, 2008, Judge Shabaz severed petitioner's civil action from the Afretto case. Before a new case number was assigned, Judge Shabaz took a leave of absence to convalesce from shoulder surgery. His convalescence will extend for a period of not less than sixty days. Therefore, I have assumed administration of the cases previously assigned to him and all new cases, including this one.

When he severed petitioner Artis's action from the Afretto case, Judge Shabaz gave petitioner the option of paying the \$350 filing fee or withdrawing his action without owing a filing fee. Petitioner has advised the court that he wants to withdraw the action, and I

accept his decision. The dismissal will be without prejudice to petitioner's filing his action at a later time.¹

IT IS ORDERED that petitioner's request to dismiss this action voluntarily is GRANTED. Because petitioner has opted to close his case, he will not owe a fee for filing this action.

Entered this 8th day of February, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge

¹Petitioner should be aware that if he chooses to refile his action, he would not be required to pay the full filing fee at the time of filing if he qualifies for indigent status under 28 U.S.C. § 1915. This court determines a prisoner's eligibility for pauper status on the basis of the prisoner's trust fund account statement for the six-month period immediately preceding the filing of their complaint and according to the formula set forth in 28 U.S.C. § 1915(b)(1).